

Pharmaceuticals

## FACSIMILE TRANSMISSION

To:	<b>Konata M. George</b>	From:	<b>Brian L. Buckwalter, Ph.D.</b>
Co:	U.S. Patent & Trademark Office	email:	brian.buckwalter@roche.com
Fax #:	<b>703-308-4556</b>	Roche Palo Alto	
Phone #:	<b>703-308-4646</b>	3401 Hillview Ave. A2-250	
Date:	<b>May 15, 2003</b>	Palo Alto, CA 94304-1397	
Page # (incl. cover):	<b>12</b>	Phone:	<b>650-855-6995</b>
Message:	<b>RE: U.S. Application No. 09/966,202</b>		
<p>Examiner George,</p> <p>I left a voice mail requesting a telephone interview after the final rejection in the above-captioned case. An amendment and response is submitted herewith.</p> <p>In the previous final office action all previous rejections were withdrawn and a new rejection was made over US 6,515,022. The priority of the present application is earlier than the filing date of the reference, thus Applicants believe the patent is not prior art and the application is in condition for allowance as noted in the Amendment and Response. In the event a rejection is maintained, reconsideration of the final rejection is requested for the reason noted in the amendment.</p> <p>Best regards, Brian L. Buckwalter</p> <p>doc #121086v1</p>			

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMISSION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION, AND ARE INTENDED ONLY FOR USE BY THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMISSION SHEET. ANY DISCLOSURE, COPYING, OR DISTRIBUTION OR TAKING OF ANY ACTION BY A NON-INTENDED RECIPIENT IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE TELEPHONE US (COLLECT) IMMEDIATELY SO THAT WE CAN ARRANGE RETURN OF THESE DOCUMENTS TO US AT NO COST TO YOU.

#11B  
m.m.  
5/28/03  
~~RE~~**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Address to:</b>	<b>First Named Inventor</b>	<b>Paula Belloni</b>
Box AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313	<b>Application Number</b>	<b>09/966,202</b>
	<b>Filing Date</b>	<b>September 26, 2001</b>
	<b>Group Art Unit</b>	<b>1616</b>
	<b>Examiner</b>	<b>George, Konata M.</b>
	<b>Attorney Docket No.</b>	<b>R0086B-DJV</b>
	<b>Title</b>	<b>METHODS FOR THE TREATMENT OF EMPHYSEMA USING 13-CIS- RETINOIC ACID</b>

**AMENDMENT & RESPONSE UNDER 37 CFR §1.116****SIR:**

In response to the Final Office Action dated March 17, 2003, having a shortened statutory period of response set to expire June 17, 2003, please amend the application as follows and take the following remarks into consideration:

**Amendments to the specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

BUCKWALB:121084v1

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**FAX RECEIVED****To:** Examiner Konata M. George    Group Art Unit: 1616

MAY 6 2003

**Fax Number:** (703) 308-4556**OFFICIAL GROUP 1600****From:** Brian Buckwalter  
Roche Palo Alto LLC,  
3431 Hillview Ave., Palo Alto, CA, Fax No.: 650/ 855-5322**Total Pages:** 11**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that the correspondence cited below is being  
facsimile transmitted to the Patent and Trademark Office  
on May 15, 2003.

  
\_\_\_\_\_  
Brian Buckwalter, Reg. No. 46,585  
Agent for Applicant

[Note: Each paper must have its own certificate of transmission, or this  
certificate must identify each submitted paper.]

**Documents Attached:**

For: S/N 09/966,202, filed September 26, 2001,  
inventor Paula Belloni, Docket R0086B-DIV

1. Amendment and Response, 10 page
2. Fax Cover Sheet

doc # 121083v1